TL 372

FEDERATION INTERNATIONALE DES
**DROITS DE L'HOMME**

ORGANISATION NON GOUVERNEMENTALE ACRÉDITÉE AUPRÈS DES NATIONS UNIES, DU CONSEIL DE L'EUROPE, ET DE L'UNESCO
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Sub-Commission on prevention of
discrimination and protection of minorities
44th session (3-28 August 1992)
Item 6: Question of the violation of human rights and fundamental freedoms...

## HUMAN RIGHTS SITUATIONS IN PERU, EAST TIMOR, GUATEMALA AND IRAN

*(Oral statement read by M. Javier CIURLIZZA in Spanish and in English by M. José AMORIM)*

## PERU

Gracias Sr. Presidente,

La Federacion Internacional de Derechos Humanos (FIDH) y su organizacion afiliada en el Peru, Asociacion Pro Derechos Humanos (APRODEH), miembro de la Coordinadora Nacional de Derechos Humanos, desean llamar la atencion de la Sub-Comision sobre la critica realidad de violencia y de graves y persistentes violaciones a los derechos humanos que ocurren a diario en el Peru.

La FIDH y APRODEH han informado durante anos sobre los criminales actos de los grupos alzados en armas, especialmente de Sendero Luminoso, asi como de las violaciones persistentes de los Derechos Humanos cometidos por parte de agentes del Estado. Ambas conductas merecen el repudio de la sociedad civil peruana, incluyendo a su movimiento de defensa y promocion de los derechos humanos.

Nada justifica la comision de continuas y graves violaciones de

los derechos humanos y libertades fundamentales de amplios sectores de la sociedad peruana por parte del Estado, incluyendo la vulneracion de derechos inderogables, tal como lo ha senalado el Comite de Derechos Humanos en sus recientes conclusiones:

"Los miembros estan profundamente preocupados por el terrorismo, el cual parece ser parte de la vida diaria en Peru y constituye un obstaculo para la aplicacion del Pacto. Los miembros condenan a los grupos terroristas pero tambien la excesiva fuerza usada por los militares, las fuerzas de seguridad y los grupos paramilitares y civiles. Considera que combatir al terrorismo con terrorismo no puede justificarse bajo ninguna circunstancia" (CCPR/C/45/CRP.1/Add.10).

El Golpe de Estado del 5 de abril del presente ano, que fue dado en nombre de la moralidad y la pacificacion, no ha hecho sino profundizar las dramaticas dificultades del pueblo peruano, concentrando dictatorialmente el poder en el Presidente de la Republica y las Fuerzas de Seguridad, y agudizando la critica situacion en nuestro pais. Como lo ha senalado el Comite de Derechos Humanos, el golpe de estado ha destruido el Estado de derecho, desarticulando el Poder Judicial y suspendiendo de facto el recurso al Habeas Corpus. Nada ha mejorado con la opcion autoritaria elegida por el Presidente de la Republica.

Cabe destacar que las dificultades para obtener informacion acerca de lo que sucede en el Peru son cada vez mayores, incluso para las organizaciones que trabajan en el pais. Durante seis semanas luego del Golpe de Estado, tanto el Poder Judicial como el Ministerio Publico estuvieron virtualmente paralizados, la inhibicion de la prensa de reportar casos asi como el temor natural de familiares y testigos convierten a los indicadores sobre muertos y desaparecidos en simples referencias de un fenomeno cuya realidad es significativamente mayor.

Quiero referirme en esta breve intervencion, Sr. Presidente, a algunos casos de violaciones flagrantes de los derechos humanos cometidos por agentes del Estado a partir del golpe. Todos estos hechos tienen como caracteristica comun el de permanecer sin investigacion efectiva alguna, con plena impunidad para sus autores o complices. En el texto que hago entrega, se detallan otros

casos tan graves como los que paso a resenar brevemente.

Desapariciones forzadas y involuntarias:

- El 12 de junio de 1992 fueron detenidos los menores Angel Zanabria Ubaldo y Gumercindo Ubaldo Zanabria, ambos de 16 anos de edad en la provincia de Lamas, departamento de San Martin, en la selva peruana. Ambos fueron conducidos a un Cuartel del Ejercito sin que se conozca hasta el momento su paradero.

- El 24 de junio de 1992 fue detenido el periodista Pedro Yauri Bustamante en la ciudad de Huacho, al norte de Lima, por efectivos de las Fuerzas del Orden, permaneciendo en calidad de detenido desaparecido hasta la fecha.

Ejecuciones sumarias:

- El 18 de abril de 1992, Jose Marcelino Martinez Zea, estudiante universitario, fue detenido por miembros del Ejercito en la ciudad de Ayacucho y encontrado muerto el 25 de abril de 1992, presentando huellas de tortura.

- El 24 de junio de 1992, seis personas de la familia Ventocilla fueron secuestrados de su domicilio por una patrulla al norte de Lima. Al dia siguiente los seis cadaveres aparecieron en el campo con huellas de tortura y tiros en la cabeza. Cuatro de las victimas habian sido detenidas por el Ejercito el 27 de abril y liberadas dias despues.

- El 20 de julio de 1992, cuatro personas vestidas de civil dispararon e hirieron al abogado Jorge Cartagena, defensor de acusados por delito de terrorismo. Al dia siguiente circulo un volante por la ciudad amenazando a los abogados que patrocinan ese tipo de casos.

Tortura:

- El 14 de abril de 1992 fue detenido el Sr. Andres de los Rios Bernardini, estudiante universitario y miembro del Partido Aprista Peruano, permaneciendo como desaparecido 15 dias. En su detencion sufrio tortura fisica y psicologica siendo liberado el 29 de abril,

vendado y amarrado, en la ciudad de Lima. La Policia Nacional y el propio Presidente de la Republica negaron la detencion.

- La menor Froyli Mori Vela, de 14 anos de edad, fue violada el 7 de junio de 1992 en el Caserio La Union, provincia de Bellavista, departamento de San Martin, por una patrulla del Ejercito Peruano comandada por un Teniente, actuando bajo el seudonimo de "Juan" y compuesta de seis soldados.

La frecuencia de estos casos, asi como la impunidad de que gozan sus autores, demuestra que luego del golpe de estado se consolida el patron de graves y persistente violaciones a los derechos humanos de la poblacion civil. La ejecucion arbitraria, las desapariciones forzadas y la tortura se consolidan ante la ausencia de mecanismos de control a las actividades de las Fuerzas Armadas.

Se cree que la violencia solo sera derrotada con mas violencia. Esta ha demostrado ser una tesis totalmente falsa durante los doce anos de conflicto interno que azota al pais.

Por ello, la Federacion Internacional de Derechos Humanos y su afiliada Asociacion Pro-Derechos Humanos, consideran prioritario y urgente que la Sub Comision emita una Resolucion que condene las graves y persistentes violaciones a los Derechos Humanos en el Peru, asi como la practica terrorista de los grupos alzados en armas. Asimismo, que recomiende a la Comision de Derechos Humanos el nombramiento de un Relator Especial para Peru. La supervision del cumpliminento de las normas basicas sobre derechos humanos en mi pais es, hoy por hoy, quizas el unico mecanismo que nos queda a los peruanos para evitar tanta muerte y destruccion. No nos queda mucho tiempo.

Sr. Presidente,

Si usted lo permite, paso la palabra al senor José AMORIM que hablara de la situacion en Timor.

**EAST TIMOR**

Mr Chairman,

Last year, a Sub-Commission draft resolution on Timor was withdrawn in favour of a Declaration by the Chair taking note of Indonesia's pledge to cooperate with UN bodies. The International Federation of Human Rights (I.F.H.R.) welcomed, with some apprehension, that this UN body would trust the Indonesian military who have one of the worst human rights records in the world. I.F.H.R's apprehensions have been confirmed during the past year and we wish to draw to the attention of the Sub-Commission further examples which prove the continuing massive and systematic violations committed by Indonesian authorities in East Timor.

A week after the Santa Cruz massacre on the 12 November 1991, in which more than 200 persons were summarily executed, I took part in a peaceful demonstration which was carried out by a group of 70 East Timorese students in protest against the massacre in front of the UN office and the Japanese and Australian embassies in Jakarta. As a result of our involvement, I was, together with other students, arbitrarily arrested, detained, interrogated and subjected to torture since last november.

We were held under very poor conditions. For example, our diet caused serious stomach ache, diarrhoea, general weakness and depression; the cells were very small, overcrowded, had no proper ventilation and were insanitary.

One week after our arrest, 49 of us ,including myself, were freed for no apparent reason. This led us to believe that our release had been due to firm international pressure. However, 21 remained arbitrarily detained.

On 24 November 1991, in Denpasar, Bali, 5 East Timorese students, among them Fernando de Araujo, were arrested in their homes for having been involved in the organisation of the demonstration.

Let me refer to Fernando de Araujo's defence plea before the Central Jakarta Court on 23 March 1992:

(quote)"On 24 November 1991, at 6 am, the house where I, Fernando de Araujo, and five other students were staying, was

surrounded by agents of the `Polda Nusra`- Bali Military Police - and some people whom I did not know. While I was still in bed, two persons jumped on to me from my bedroom window. As I got up they forced me to go to the living room accompanied by two persons. When all the tenants of the house were in the living room, the agents, acting without a warrant, searched the whole house. When they finished, they produced two hand-grenades and two other explosive devices that were supposed to have been found during the search. Only when the search had been completed did they call in the local village chief and the owner of the house as witnesses. At this point, I and my colleagues protested and said that the hand-grenades and explosives did not belong to us and we had never seen them before. We were taken to the police headquarters and were interrogated separately.
I was never asked whether I wanted a lawyer until a week had passed. Then I answered yes, and asked to contact the Chairman of the Institute for the Defence of Human Rights in Jakarta to ask him to arrange for a lawyer. The police never allowed me to contact him. As a result, I never had the assistance of a lawyer . During this period, I was forced to sign several reports of my interrogations without having read them first. Also, I was denied the right to have visits and correspondence. On 26 February 1992, my cell was searched and all my notes were confiscated". (end quote)

Mr Chairman,

The I.F.H.R. hopes that international pressure is responsible for the Indonesian authorities trying to find a solution to the problem of the detainees. However IFHR remains unconvinced: Joao Freitas de Camara and Fernando de Araujo, student leaders as well as all the other detainees, were invited by the authorities to accept their guilt and ask for forgiveness from President Suharto and the government. Additionally, they were asked to sign a document which included the following conditions for their release:
- recognition of the integration of East Timor with Indonesia
- recognition of Mr Suharto as the Indonesian President
- recognition of General Try Sutrisno as Chief of the Armed Forces
- a formal promise not to repeat the same actions

Two out of the five student leaders received very heavy

sentences after an unfair trial: Joao Freitas de Camara was sentenced to 10 years and Fernando de Araujo to nine years. Some of the military personnel responsible for the Santa Cruz massacre were not even tried and the maximum sentence for those who were tried was one year.

Mr Chairman,

In February 1992, merely three months after the massacre, the Commission on Human Rights adopted yet another statement by the Chairman in which the Indonesian authorities pledged again to cooperate fully with the UN and to facilitate access to the territory by independent human rights organisations. Instead, the territories remain strictly controlled, access by independent human rights observers has been even more curtailed, repression has intensified and military activities have been stepped up. This is why I.F.H.R. strongly urges the Sub-Commission to adopt a resolution condemning the massive and systematic violations of human rights by the Indonesian authorities and to take all appropriate measures to monitor the human rights situation in East Timor.

To conclude Mr Chairman,

I.F.H.R wishes to draw briefly to the attention of the Sub-Commission two other situations:

**GUATEMALA**

In Guatemala, grave violations of human rights continue to occur under the regime of Ingeniero Jorge Serrano Elias, particularly with respect to the right to life and the security of the person. Between January 1991 and the 13 July 1992, the Human Rights Commission of Guatemala, our affiliated organisation, has listed 1,113 extra-judicial executions, 97 disappearances, 36 disappearances involving children, 191 victims of torture, many arbitrary detentions, physical attacks, death threats, machine-gun attacks and bombings in the conflict zones.

The section of the population most affected by the repression has been the indigenous population, which constitutes the majority of the country. I.F.H.R. considers that the Sub-Commission should

condemn the continuing situation of massive and systematic flagrant violations of human rights in Guatemala.

**IRAN**

Finally, in Iran, the terrible situation of systematic violations has been worsening in the past three months: summary and arbitrary executions, arbitrary detention, the ineffectiveness of the right to be assisted by a lawyer, serious discrimination against women, and violations of the right to freedom of opinion, expression and association. I.F.H.R. urges the Sub-Commission to respond to this situation as well.

Thank you Mr Chairman.

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